IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4214 OF 2006

S.M.Satpute .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Harshad Palve for applicant

Mr.S.S.Pednekar, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 5th December 2006

P.C.

. Heard Mr.Palve for applicant and Mr.Pednekar, learned A.P.P. for State.

2. Applicant is apprehending arrest in connection with C.R.No.79 of 2006 which has been registered by Panhala police station for offences punishable under sections 366A, 376, 313 read with 34 I.P.C.

3. Applicant states that he is a medical practioner and has his clinic/hospital at Village Balinga. Applicant has absolutely no role to play save and except as a medical practioner. He medically terminated the pregnancy/aborted the prosecutrix. Applicant applied for anticipatory bail by pointing out that the prosecutrix and accused No.1 have settled the matter between them. In other words, the affidavit which has been filed by Mrs. Sakhubai Tukaram Topkar (mother of prosecutrix), copy of which is at Exh.D (page 20), sets out that the entire incident occurred on account of misunderstanding between parents of the prosecutrix and the accused No.1. Now accused No.1 and his family

have decided to perform marriage of the accused No.1 with prosecutrix. In such circumstances, she has stated that she no grievance against the accused. This affidavit is signed/interpreted in October 2006. On 7th November 2006, the applicant applied for anticipatory bail but the learned Additional Sessions Judge, Kolhapur rejected the same on the ground that previous application was also rejected.

4. In the light of the changed circumstances and even otherwise, custodial interrogation being unnecessary, so also the applicant being ready and willing to cooperate with the investigation, in my view, interest of justice would be sub-served if the applicant is granted pre-arrest bail. Hence, following order:-

i) In the event of the arrest of the applicant in connection with C.R.No.79 of 2006 registered with Panhala Police

Station, Kolhapur the applicant shall be enlarged on bail in the sum of Rs.15,000/- with one or two sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will attend the Panhala police station once a week on every Saturday between 5.00 p.m. and 7.00 p.m. till the charge sheet is filed.

iii) Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicant

shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)